

SENATE BILL 3875

By Kilby

AN ACT to amend Tennessee Code Annotated, Title 8,  
Chapter 9, Part 1; Title 38, Chapter 7, Part 1 and  
Title 55, Chapter 21, relative to nurse practitioners.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 9, Part 1, is amended by adding a new section thereto, as follows:

Section 8-9-107. Nurse practitioners, as defined by Section 63-7-207(14), are authorized to operate as a county coroner pursuant to this part.

SECTION 2. Tennessee Code Annotated, Section 38-7-104, is amended by deleting subsections (a) through (c), inclusive, and by substituting instead the following:

(a) A county medical examiner shall be elected by the county legislative body of each county in the state of Tennessee. A county medical examiner shall be either a nurse practitioner, as defined by Section 63-7-207(14), or a physician who is either a graduate of an accredited medical school authorized to confer upon graduates the degree of doctor of medicine (M.D.) and who is duly licensed in Tennessee, or is a graduate of a recognized osteopathic college authorized to confer the degree of doctor of osteopathy (D.O.) and who is licensed to practice osteopathic medicine in Tennessee. The county medical examiner shall be elected from a list of a maximum of two (2) doctors of medicine or osteopathy, and two (2) nurse practitioners nominated by convention of the physicians, medical or osteopathic, resident in the county, the convention to be called for this purpose by the county mayor. In those counties having a metropolitan form of government and in those counties with a population of not less than eight hundred thousand (800,000), according to the 2000 federal census or any subsequent federal census, the medical examiner shall be appointed by the county mayor of such county,

from a list of a maximum of two (2) doctors of medicine or osteopathy and two (2) nurse practitioners nominated by a convention of the physicians, medical or osteopathic, resident in the county, the convention to be called for this purpose by the county mayor of such county and the list to be submitted within ninety (90) days of the request of the county mayor, subject to the confirmation by a majority of the whole membership of the metropolitan council or county legislative body. If the convention of physicians fails to submit a list within ninety (90) days of the request of the county mayor, then the county mayor may appoint a county medical examiner, subject to the confirmation by a majority of the whole membership of the metropolitan council or county legislative body.

(b) If it is not possible to obtain an acceptance as a county medical examiner from a nurse practitioner or physician in a county, authority is given for the election of a county medical examiner from an adjacent or another county. A county medical examiner, when temporarily unable to perform the duties of the office, shall have the authority to deputize a nurse practitioner or physician in the area to act as county medical examiner during the absence. If the county legislative body fails to certify a county medical examiner for a county or if the county medical examiner resigns or is unable to fulfill the duties of the office during the interim between county legislative body sessions and a deputy has not been appointed by the county medical examiner, the chief medical examiner shall have the authority to appoint a county medical examiner to serve until the next session of the county legislative body.

(c) Each county medical examiner shall receive as compensation from county funds such amount as may be fixed by the county legislative body or other fiscal body of the county for each death the county medical examiner investigates; provided, that any county government may elect to compensate a county medical examiner on a salaried basis, such salary to be fixed by the county fiscal body. The state department of health is

authorized to pay to the county medical examiner a fee fixed by the commissioner of health for the filing of a satisfactory report of each investigation.

SECTION 3. Tennessee Code Annotated, Section 38-7-104, is further amended in subsection (e) by deleting in the second sentence the language "convention of resident physicians" and by substituting instead the language "convention of resident physicians and nurse practitioners".

SECTION 4. Tennessee Code Annotated, Section 38-7-104(g), is amended in subdivision (1) by deleting the language "registered nurse," and by substituting instead the language "registered nurse, nurse practitioner,".

SECTION 5. Tennessee Code Annotated, Section 55-21-102(3), is amended by deleting in subdivision (A) the language "certified to by a physician" and by substituting instead the language "certified to by a nurse practitioner as defined in Section 63-7-207(14) or by a physician".

SECTION 6. Tennessee Code Annotated, Section 55-21-103, is amended in subsection (a) by deleting the language "physician's statement" wherever it may be found and by substituting instead the language "medical statement".

SECTION 7. Tennessee Code Annotated, Section 55-21-103, is further amended in subsection (a) by deleting the language "No physician or Christian Science practitioner" and by substituting instead the language "No physician, nurse practitioner or Christian Science practitioner".

SECTION 8. Tennessee Code Annotated, Section 55-21-103, is amended in subsection (b) by deleting the language "physician's statement" wherever it may be found and by substituting instead the language "medical statement".

SECTION 9. This act shall take effect July 1, 2008, the public welfare requiring it.